

PETITION FOR CONSENT FOR THE ADDITION OF CERTAIN LAND  
TO FORT BEND COUNTY ASSISTANCE DISTRICT NO. 2

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF HOUSTON,  
TEXAS:

Fort Bend County Assistance District No. 2 (herein the "Petitioner" or referred to as the "District"), acting pursuant to the provisions of Chapters 42 and 387, Texas Local Government Code, respectfully petitions the City Council of the City of Houston, Texas, (hereinafter referred to as the "City") for its written consent to the addition of certain land to the boundaries of the Petitioner and would show the following:

I.

The District was created and organized under the terms and provisions of Chapter 387, Texas Local Government Code, together with all amendments and additions thereto. On September 7, 2011, Fort Bend County, pursuant to Chapter 387, Texas Local Government Code, called an election to create the District within Fort Bend County and impose a sales and use tax within the District's boundaries. Fort Bend County provided the City with notice of its intention to create the District within the City's extraterritorial jurisdiction in Fort Bend County not later than the 60<sup>th</sup> day before the date Fort Bend County Commissioners Court ordered the election.

II.

The City consented to the creation of the District on October 26, 2011 and, as a condition of its consent, the City and District entered an agreement for the duration, rate, and allocation of sales and use tax within the boundaries of the District (the "Agreement") on December 6, 2011. Under Section 5 of the Agreement, the City and District agreed that the District may annex additional land into its boundaries, provided such land is limited to road right-of-way and is contiguous to the District.

III.

The District received a Petition for Addition of Certain Land to Fort Bend County Assistance District No. 2 from LM Land Holdings, LP, an owner of a 3.777 acre parcel of land contiguous to the District within the extraterritorial jurisdiction of the City (the "Land") described in Exhibit A, attached hereto and incorporated herein for all purposes. The landowners propose to develop the Land for commercial purposes. Therefore, as a proposed annexation of non-road right of way, the Land cannot be added or annexed to the District until the City has given its written consent by resolution or ordinance of the City Council to such addition or annexation.

#### IV.

Sales and use tax generated within the Land may be used for the same purposes as land currently within the existing boundaries of the District: (1) the construction, maintenance, or improvement of roads or highways; (2) the provision of law enforcement and detention services; (3) the maintenance or improvement of libraries, museums, parks, or other recreational facilities; (4) the provision of services that benefit the public health or welfare, including the provision of firefighting and fire prevention services; or (5) the promotion of economic development and tourism.

#### V.

There is an imminent need for the continued construction, maintenance, and improvement of roads or highway to serve the areas within the existing boundaries of the District and the adjacent Land proposed for annexation. The area is urban in nature, is within the growing extraterritorial jurisdiction of the City of Houston, Texas, and is in close proximity to populous and developed sections of Fort Bend County, Texas. The District provides Fort Bend County with the ability to generate the necessary local funds to construct, maintain, and improve roads and highways within the District that benefit the local area. The welfare and mobility of the present and future inhabitants of the area and of the territories adjacent thereto require the construction, maintenance, and improvement of roads and highways. Additional commercial tracts are needed to enhance the District's ability to generate the necessary local funds. A public necessity, therefore, exists for the annexation of the Land to the District, to provide for the construction, maintenance, and improvement of roads and highways. The County's construction of these roads prior to the City's annexation will benefit the City because (i) the City will not be required to expend the funds to construct the roads; and (2) mobility will be enhanced significantly earlier than it would be if construction were deferred until the City's annexation.

#### VI.

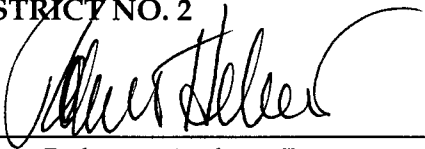
Petitioner, by submission of this Petition, requests the City's consent to the addition of certain land to the boundaries of the District and agrees that the imposition of sales and use taxes within the Land shall be governed, as with land currently within the boundaries of the District, by the terms of the Agreement with the City governing the duration, rate, and allocation of sales and use taxes imposed by the District.

#### VII.

WHEREFORE, Petitioner prays that this petition be heard and that the City Council duly pass and approve an ordinance or resolution granting the consent to the addition of the Land to the District and authorizing the inclusion of the Land described herein within the District.

RESPECTFULLY SUBMITTED this 4 day of June, 2013.

**FORT BEND COUNTY ASSISTANCE  
DISTRICT NO. 2**


By:   
Robert E. Hebert, Director

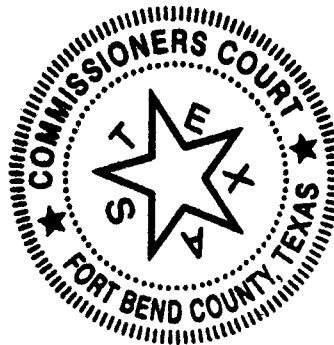
Date: June 4, 2013

ATTEST:

By:   
Dianne Wilson, County Clerk

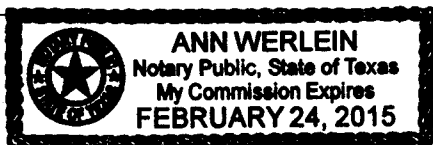
APPROVED AS TO FORM:

  
Marcus D. Spencer, Assistant County Attorney




THE STATE OF TEXAS           §  
   §  
COUNTY OF FORT BEND       §

This instrument was acknowledged before me on 6-4, 2013,  
by Robert Hebert, County Judge



(NOTARY PUBLIC)

  
Notary Public, State of Texas

**Exhibit A**  
**Landowner's Petition**

134



14 PGS  
PETITION

2013072790

PETITION FOR ADDITION OF CERTAIN LAND TO  
FORT BEND COUNTY ASSISTANCE DISTRICT NO. 2

THE STATE OF TEXAS           §  
  §  
COUNTY OF FORT BEND       §

TO: THE BOARD OF DIRECTORS OF FORT BEND COUNTY ASSISTANCE  
DISTRICT NO. 2:

LM LAND HOLDINGS, LP, a Texas limited partnership (the "Petitioner"), acting pursuant to the provisions of Chapter 49, Texas Water Code, particularly Section 49.301, petitions this Honorable Board to add the of land described by metes and bounds in **Exhibit A**, attached hereto and incorporated herein for all purposes, to FORT BEND COUNTY ASSISTANCE DISTRICT NO. 2 (the "District"), and in support of this petition the Petitioner represents, covenants, and agrees as follows:

Section 1: The land sought to be added to the District lies entirely within Fort Bend County, Texas, and is accurately described by metes and bounds in **Exhibit A** (the "Land").

Section 2: The Petitioner holds fee simple title to and full ownership of all the Land, as show on the appraisal rolls of the Fort Bend Central Appraisal District.

Section 3: All of the Land is within the extraterritorial jurisdiction (as such term is defined in Chapter 42, Texas Local Government Code, as amended) of the City of Houston, Texas. No part of the Land is within the limits of any incorporated city, town, or village.

Section 4: The addition of the Land to the District is feasible and practical and will be to the advantage of and a benefit to the District and the roads and other improvements of the District are sufficient or will be sufficient to supply the added Land without injuring the land already within the District.

Section 5: The Petitioner acknowledges, consents to, and affirmatively requests the assumption by the Land, and all improvements thereon presently existing or to be constructed hereafter, of a pro rata share of all present and future obligations of the District, and acknowledges that the District levies a one percent (1%) sales tax.

Section 6: The Petitioner hereby certifies that there are no qualified voters residing on the Land.

Section 7: The Petitioner hereby certifies that there are no holders of liens on the Land except Texas Capital Bank, National Association.

WHEREFORE, the Petitioner prays that this Petition be granted; that the Land be added to and become a part of the District; and that this Petition, if granted, be filed for record and be recorded in the Official Public Records of Fort Bend County, Texas, and filed with the Texas Commission on Environmental Quality.

[EXECUTION PAGE FOLLOWS]

RESPECTFULLY SUBMITTED on May 20<sup>th</sup>, 2013.

**LM LAND HOLDINGS, LP**, a Texas  
limited partnership

By: LM Land, LLC, a Texas  
limited liability company,  
general partner

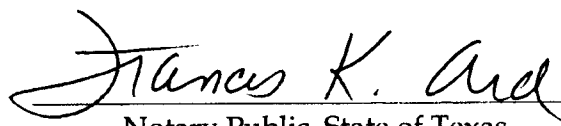
By:   
David A. Cannon  
Manager

STATE OF TEXAS       §  
                                  §  
COUNTY OF HARRIS   §

This instrument was acknowledged before me this 20<sup>th</sup> day of MAY, 2013, by David A. Cannon, Manager of LM Land, LLC, a Texas limited liability company, general partner of LM LAND HOLDINGS, LP, a Texas limited partnership, on behalf of said limited liability company and said limited partnership.

(NOTARY SEAL)



  
Notary Public, State of Texas

**Attachment:**

**Exhibit A** - Description of the Land

**After recording, return to:** Allen Boone Humphries Robinson LLP, 3200 Southwest Freeway, Suite 2600, Houston, Texas 77027, Attn: Yvonne Onak.

EXHIBIT A

Page 1 of 3 Pages

County: Fort Bend  
Project: Fort Bend County Assistance District No. 2  
C.I. No.: 1193-13 (Map prepared)  
Job Number: 2011-103-001

**FORT BEND COUNTY ASSISTANCE DISTRICT NO. 2  
3.7777 ACRE ANNEXTION TRACT**

Being a 3.7777 acre tract of land located in the I. & G.N. R.R. Company Survey, A-353 in Fort Bend County, Texas; said 3.7777 acre tract being a portion of "Tract 1" and a portion of "Tract 2" both recorded in the name of LM Holdings. LP. in Clerk's File Number 2002106104 of the Official Records of Fort Bend County (O.R.F.B.C.); said 3.7777 acre tract being more particularly described by metes and bounds as follows (all bearings are based on the Texas State Plane Coordinate System, South Central Zone):

**Commencing** at a 5/8-inch iron rod found at the north corner of a call 5.5093 acre tract of land recorded in Clerk's File Number 2012144744 of the O.R.F.B.C.;

Thence, South 55 degrees 00 minutes 53 seconds East, a distance of 314.87 feet to the **Point of Beginning** of the herein described tract, same being on an interior line of Fort Bend County Assistance District No. 2;

Thence, through said "Tract 2" and said "Tract 1", the following four (4) courses:

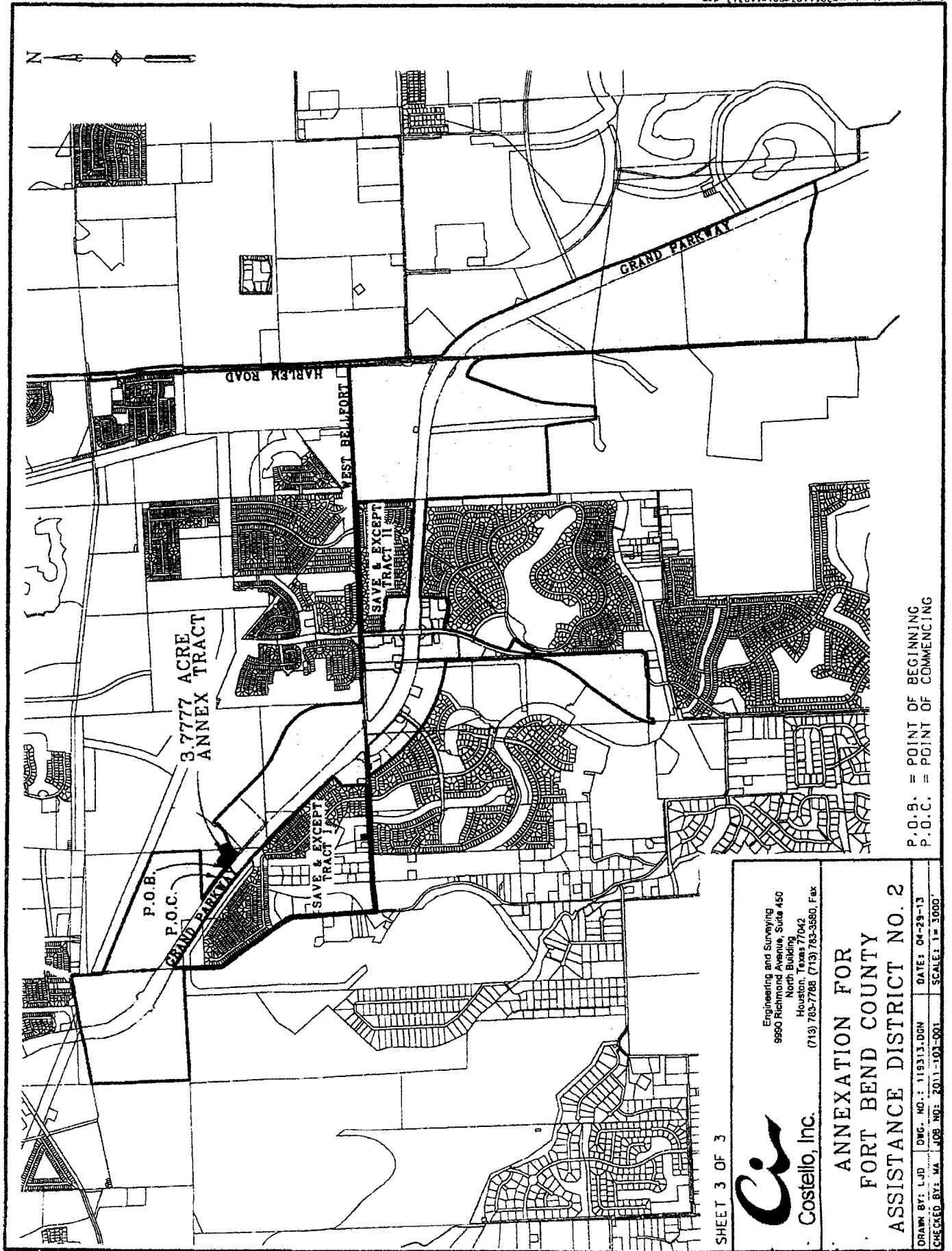
1. North 38 degrees 23 minutes 17 seconds East, a distance of 251.19 feet;
  2. South 51 degrees 36 minutes 43 seconds East, a distance of 201.49 feet;
  3. North 65 degrees 02 minutes 25 seconds East, a distance of 232.77 feet;
  4. South 24 degrees 57 minutes 35 seconds East, a distance of 267.29 feet to the northwest line of proposed Long Prairie Tract, same being an interior line of aforesaid Fort Bend Assistance District No. 2;
  5. Thence, with said northwest line and said interior line, 355.80 feet along the arc of a curve to the left, said curve having a central angle of 31 degrees 36 minutes 21 seconds, a radius of 645.00 feet and a chord that bears South 51 degrees 31 minutes 53 seconds West, a distance of 351.31 feet;
  6. Thence, continuing with said interior line, North 51 degrees 16 minutes 13 seconds West, a distance of 464.92 feet to the **Point of Beginning** and containing 3.7777 acres of land.
-



Page 2 of 3 Pages

THIS DOCUMENT WAS PREPARED UNDER 22 TAC 663.21, DOES NOT REFLECT THE RESULTS OF AN ON THE GROUND SURVEY, AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY EXCEPT THOSE RIGHTS AND INTERESTS IMPLIED OR ESTABLISHED BY THE CREATION OR RECONFIGURATION OF THE BOUNDARY OF THE POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED.





SHEET 3 OF 3



Costello, Inc.

Engineering and Surveying  
9900 Richmond Avenue, Suite 450  
North Building  
Houston, Texas 77042  
(713) 783-7788 (713) 783-3550, Fax

ANNEXATION FOR  
FORT BEND COUNTY  
ASSISTANCE DISTRICT NO. 2

DRAWN BY: LJD DWG. NO.: 119313.DGN DATE: 04-29-13  
CHECKED BY: MA JOB NO: 2011-101-001 SCALE: 1" = 3000'

P.O.B. = POINT OF BEGINNING  
P.O.C. = POINT OF COMMENCING

COUNTY CLERK'S CERTIFICATE

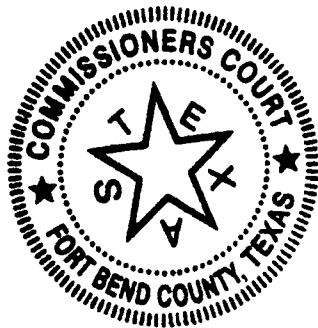
THE STATE OF TEXAS       §  
   §  
COUNTY OF FORT BEND     §

I, the undersigned County Clerk of Fort Bend County, do hereby certify that the attached and foregoing is a true and correct copy of the Petition For Addition Of Certain Land to Fort Bend County Assistance District No. 2 that was filed with the Board of Directors of the District on June 4, 2013.

WITNESS MY HAND AND SEAL on June 4, 2013.

By: *Brianne Wilson*  
FORT BEND COUNTY CLERK

(SEAL)



CERTIFICATE OF AUTHORITY

I, the undersigned officer of LM Land, LLC (the "Company"), hereby certify that:

1. the Company is the general partner of LM LAND HOLDINGS, LP, a Texas limited partnership (the "Partnership");
2. David A. Cannon is the Manager of the Company;
3. in such capacity, he is authorized to execute any and all documents in connection with the annexation of land into Fort Bend County Assistance District No. 2 (the "District"), including, specifically, the Petition for Addition of Certain Land into the District and any certificates needed by the City of Houston, Texas, ~~the Texas Commission on Environmental Quality and the Attorney General of Texas~~ (the "Annexation Documents"); *Fort Bend County*
4. such execution of the Annexation Documents is duly authorized by the Company's organizational documents and by the limited partnership agreement of the Partnership, and such authorizations remained valid as of the date on which the Annexation Documents were executed.

WITNESS MY HAND, this the 20 day of MAY, 2013.

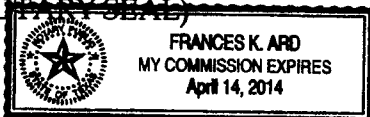
LM LAND, LLC, a Texas limited liability company

By: *Robert E. Fondren*  
Robert E. Fondren, Manager

THE STATE OF TEXAS   §  
  §  
COUNTY OF HARRIS   §

This instrument was acknowledged before me on the 20<sup>th</sup> day of MAY, 2013, by Robert E. Fondren, Manager of LM LAND, LLC, a Texas limited liability company, on behalf of said limited liability company.

(NOTARY SEAL)



*Frances K. Ard*  
Notary Public, State of Texas

AS PER ORIGINAL

CERTIFICATE OF LIENHOLDER'S CONSENT

TEXAS CAPITAL BANK, NATIONAL ASSOCIATION, a national banking association, being a lienholder on land proposed to be included within the boundaries of Fort Bend County Assistance District No. 2, which land is described by metes and bounds on **Exhibit A** attached hereto, hereby consents to the annexation of said land into Fort Bend County Assistance District No. 2.

WITNESS MY HAND this 21 day of May, 2013.

TEXAS CAPITAL BANK, NATIONAL  
ASSOCIATION, a national banking  
association

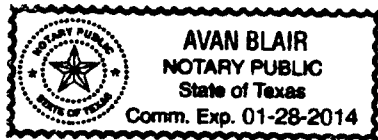
By: *Carolynn Alexander*

Name: Carolynn Alexander

Title: Sr. Vice President

THE STATE OF TEXAS   §  
                                      §  
COUNTY OF HARRIS   §

This instrument was acknowledged before me on the 21<sup>st</sup> day of May, 2013, by Carolynn Alexander, Sr. Vice President of TEXAS CAPITAL BANK, NATIONAL ASSOCIATION, a national banking association, on behalf of said banking association.



(NOTARY SEAL)

*Avon Blair*  
Notary Public, State of Texas

**Attachment: Exhibit A - Description of the land to be annexed**

EXHIBIT A

Page 1 of 3 Pages

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Project: Fort Bend County Assistance District No. 2  
C.I. No.: 1193-13 (Map prepared)  
Job Number: 2011-103-001

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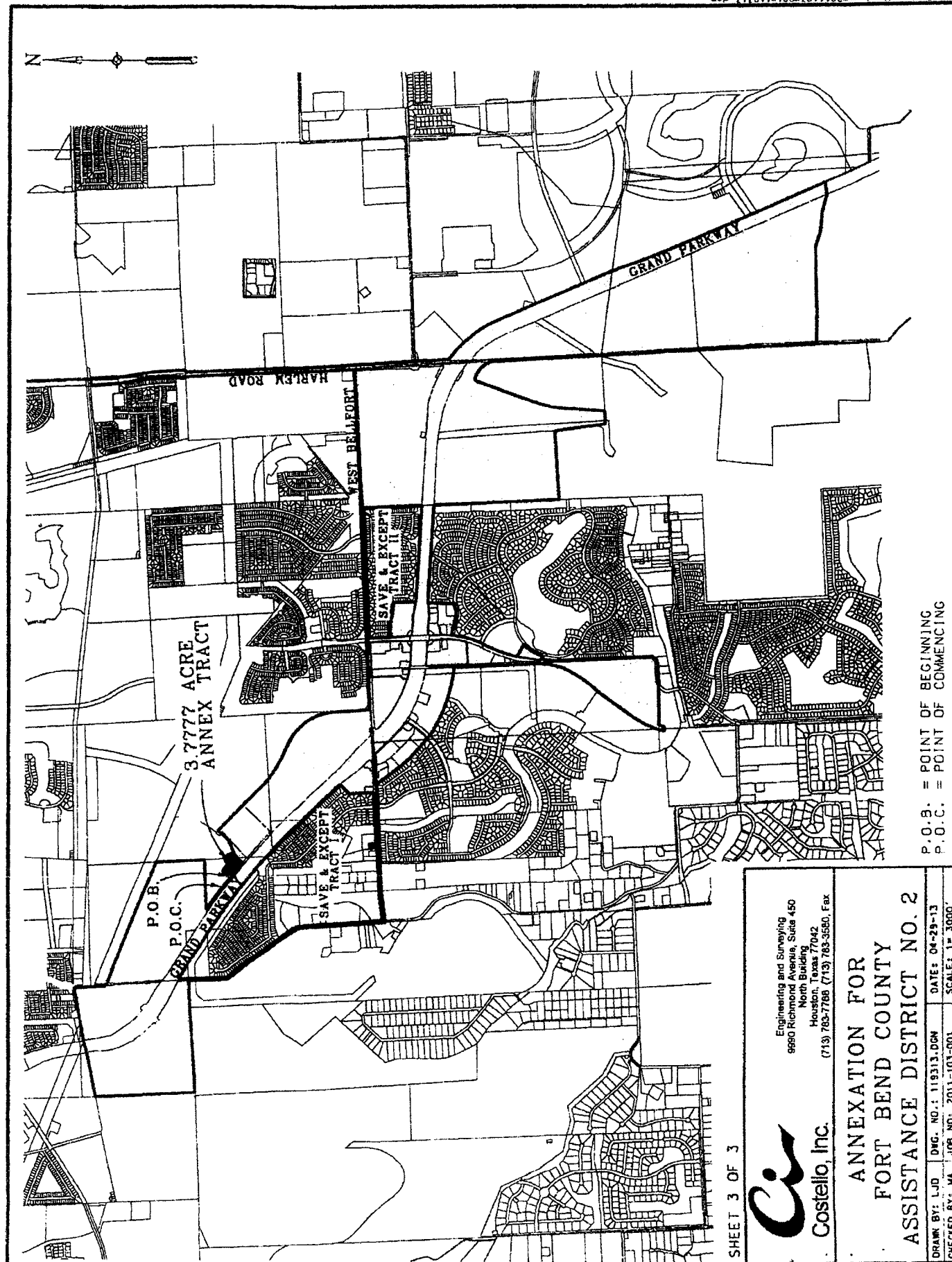
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SHEET 3 OF 3



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CHECKED BY: MA JOB NO.: 2011-103-001 SCALE: 1" = 3000'

P.O.B. = POINT OF BEGINNING  
P.O.C. = POINT OF COMMENCING



**CERTIFICATE OF AUTHORITY**

I, the undersigned officer of TEXAS CAPITAL BANK, NATIONAL ASSOCIATION, a national banking association (the "Bank"), hereby certify that:

- (1) Cardynn Alexander is a SVP of the Bank;  
(name of officer who signed lienholder's consent) (title of officer who signed consent)
- (2) in such capacity he/she executed a Certificate of Lienholder's Consent (the "Certificate"), and is authorized to execute any and all such documents in connection with the annexation of land into Fort Bend County Assistance District No. 2, including, but not limited to, the Certificate; and
- (3) such execution of the Certificate was duly authorized and adopted in conformity with the Bank's charter.

WITNESS MY HAND this 21<sup>st</sup> day of May, 2013.

**TEXAS CAPITAL BANK, NATIONAL  
ASSOCIATION, a national banking  
association**

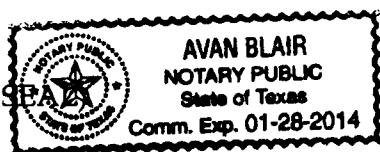
By: Celli Lyon  
(Sig. of officer OTHER THAN Officer who signed Consent)

Name: Celli Lyon  
Title: Vice President

THE STATE OF TEXAS   §  
                                      §  
COUNTY OF HARRIS   §

This instrument was acknowledged before me on the 21<sup>st</sup> day of May, 2013, by Celli Lyon, VP of TEXAS CAPITAL BANK, NATIONAL ASSOCIATION, a national banking association, on behalf of said banking association.

(NOTARY SEAL)



Avon Blair  
Notary Public, State of Texas

**FILED AND RECORDED**  
**OFFICIAL PUBLIC RECORDS**

*Dianne Wilson*

Dianne Wilson, County Clerk  
Fort Bend County, Texas



June 13, 2013 11:42:47 AM

FEE: \$0.00 LW  
PETITION

2013072790